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Paper No. 9

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In re Application of
Melman
Application No. 09/816,462
Filed: March 23, 2001
Attorney Docket No. N/A
FOR: COMPUTER-IMPLEMENTED METHOD
AND SYSTEM FOR BROWSING DIRECTORIES
AND GENERATING FORMS

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OFFICE OF PETITIONS

**DECISION GRANTING
PETITION**

This is a decision on the reconsideration petition under 37 CFR 1.137(a), filed May 20, 2003, to revive the above-identified application.

The above-identified application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers (Notice), mailed May 3, 2001, which set an extendable period for reply of two (2) months. Having obtained no extensions of time under 37 CFR 1.136(a), this application became abandoned on July 4, 2001 for failing to reply. A Notice of Abandonment was mailed on March 17, 2003. Applicant's first petition to revive, filed April 14, 2003, was dismissed on April 28, 2003 for failure to show the entire delay in responding to the May 3, 2001 Notice was unavoidable.

Petitioner has provided adequate evidence to show that the delay in submitting the abstract was unavoidable.¹ Petitioner states that he searched the hard copy file and the computer records for this patent application and other areas of his office/application files, but the May 3, 2003 Notice was not located.. Practitioner has provided a copy of the electronic docketing record and reminder system where the May 3, 2003 Notice would have been entered had it been received. There is no mention of the May 3, 2003 Notice. The evidence is persuasive that the delay in responding to the May 3, 2003 Notice was unavoidable.

The petition under 37 CFR 1.137(a) is **GRANTED**.

The application will be returned to the Office of Initial Patent Examination for further processing.

¹ Pursuant to petitioner's request, the undersigned reviewed the application file again for the presence of the abstract allegedly filed on March 23, 2001. Unfortunately, the search was fruitless.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.



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